

## CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 302

**Citations Affected:** IC 16-42-21-3; IC 25-1; IC 25-2.1; IC 25-2.5-2; IC 25-4; IC 25-5.1-3-5; IC 25-6.1-3; IC 25-7-6; IC 25-8; IC 25-10-1-6; IC 25-13; IC 25-14-1-10; IC 25-14.5-6-4; IC 25-15-6; IC 25-19-1; IC 25-20-1-12; IC 25-20.2-6-2; IC 25-20.5-1-18; IC 25-21.5-8-1; IC 25-22.5; IC 25-23-1-19.4; IC 25-23.7-6-2; IC 25-24-1-14; IC 25-26; IC 25-27.5-6-8; IC 25-28.5-1-22; IC 25-29-6-3; IC 25-30; IC 25-31-1-17; IC 25-32-1-13; IC 25-33-1-10; IC 25-34.1-3; IC 25-35.6-3-6; IC 35-48-7; IC 25-7-6-13; IC 25-7-6-15; IC 25-8-2-3.5; IC 25-8-2-17; IC 25-8-4-20; IC 25-8-4-27; IC 25-8-4-28; IC 25-14.5-6-5; IC 25-15-6-6; IC 25-21.5-8-5; IC 25-26-13-8.

**Synopsis:** Professions and occupations. Conference committee report for ESB 302. Allows members of certain licensing boards to participate in emergency meetings to suspend the licenses of practitioners who represent a clear and immediate danger to the public health and safety, if a means of communication is used that allows all board members and the public to simultaneously communicate with each other. Allows members of the state boxing commission to participate in meetings to consider final approval of a permit for a particular boxing or sparring match or exhibition, if a means of communication is used that allows all commission members and the public to simultaneously communicate with each other. Makes changes in the procedures for renewal of expired certificates and licenses, and provides that the professional licensing agency is to set the times for license renewals for: (1) accountants; (2) acupuncturists; (3) architects; (4) landscape architects; (5) athletic trainers; (6) auctioneers; (7) auction houses; (8) auction companies; (9) barbers; (10) cosmetologists; (11) tanning facilities; (12) chiropractors; (13) dental hygienists; (14) dentists; (15) dietitians; (16) embalmers, funeral directors, and funeral homes; (17) health facility administrators; (18) hearing aid dealers; (19) home inspectors; (20) hypnotists; (21) land surveyors; (22) physicians; (23) nurses; (24) manufactured home installers; (25) optometrists; (26) pharmacists, pharmacies, drug stores, and home medical equipment service providers; (27) plumbers; (28) podiatrists; (29) private investigator firms, security guards, and polygraph examiners; (30) professional engineers; (31) environmental health specialists; (32) psychologists; (33) real estate brokers and sales persons; and (34) speech pathologists and audiologists. Makes changes to the qualifications for licensing of out-of-state architects, accountants, and acupuncturists. Makes changes to the qualification criteria for approval to sit for the licensing examination for architects. Prohibits advanced

practice nurses from entering into collaborative practice agreements with physician assistants. Reduces membership on the state board of health facility administrators from 14 to 13 and makes conforming changes. Establishes qualifications for a provisional license for physicians. Adds a definition of "dispense" to the law concerning controlled substances. Provides that advanced practice nurses with prescriptive authority are subject to certain restrictions regarding drug samples. Makes changes to the membership of the board of accountancy. Provides that a physician assistant who renders care in response to an emergency under the state emergency management law is not required to comply with the law requiring supervision by a physician. Repeals a provision allowing real estate brokers and salespersons to use a notice of passing the required licensing examination as a temporary permit to practice. Requires a nonresident pharmacy that dispenses more than 25% of the pharmacy's total prescription volume through the Internet to have certain accreditations and display the accreditation in advertisements. Allows the board of pharmacy to take certain action against a nonresident pharmacy for not being accredited or for failing to display the accreditation. Removes specified home medical equipment from the definition of "home medical equipment" and redefines the term as equipment that is prescribed by a health care provider and either: (1) sustains, restores, or supplants a vital bodily function; or (2) is technologically sophisticated and requires individualized adjustment or maintenance. Defines "home medical services" to require both the: (1) sale, rental, delivery, or installation of home medical equipment; and (2) installation, maintenance, and instruction in the use of the equipment. Repeals superseded sections in the licensing laws and a definition of "dispenser" in the controlled substances law. Amends a statutory reference to resolve a technical conflict with SB 190 (the agriculture and animals recodification bill). Makes other changes relating to the law concerning occupations and professions. **(This conference committee report does the following: (1) Removes a provision regarding an amendment to the state Medicaid plan to provide coverage for medically necessary umbilical cord transplants under the state Medicaid program. (2) Removes a provision concerning fire sprinkler fitters. (3) Adds the contents of ESB 247 concerning home medical equipment and pharmacists. (4) Removes provisions concerning private investigator agencies.)**

**Effective:** July 1, 2008; January 1, 2009.

## CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 302 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 16-42-21-3, AS AMENDED BY P.L.157-2006,
- 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2008]: Sec. 3. As used in this chapter, "practitioner" means
- 5 any of the following:
- 6 (1) A licensed physician.
- 7 (2) A dentist licensed to practice dentistry in Indiana.
- 8 (3) A podiatrist licensed to practice podiatry in Indiana.
- 9 (4) A veterinarian licensed to practice veterinary medicine in
- 10 Indiana.
- 11 (5) An optometrist who is:
- 12 (A) licensed to practice optometry in Indiana; and
- 13 (B) certified under IC 25-24-3.
- 14 **(6) An advanced practice nurse licensed and granted the**
- 15 **authority to prescribe legend drugs under IC 25-23.**
- 16 SECTION 2. IC 25-1-8-6, AS AMENDED BY P.L.185-2007,
- 17 SECTION 6, AND AS AMENDED BY P.L.197-2007, SECTION 20,
- 18 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 19 [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) As used in this section,
- 20 "board" means any of the following:
- 21 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 22 (2) Board of registration for architects **and** landscape architects

- and registered interior designers (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on of hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private ~~detectives~~ investigator and security guard licensing board ~~(IC 25-30-1-5.1)~~ (IC 25-30-1-5.2).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners ~~(IC 25-5-1-1)~~ (IC 25-38.1).
- (37) State board of massage therapy (IC 25-21.8-2-1).**

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration *and except as provided in section 8 of this chapter*, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less

delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period~~; or
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration *and except as provided in section 8 of this chapter*, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period~~; or
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 3. IC 25-1-14-2, AS ADDED BY P.L.179-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. **(a)** A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

- (1) **except as provided in subsections (b) and (c)**, at which at least a quorum is physically present at the place where the meeting is conducted; and
- (2) by using a means of communication that permits:

1 (A) all other members participating in the meeting; and  
 2 (B) all members of the public physically present at the place  
 3 where the meeting is conducted;  
 4 to simultaneously communicate with each other during the  
 5 meeting.

6 **(b) A member of a board, committee, or commission may**  
 7 **participate in an emergency meeting of the board, committee, or**  
 8 **commission to consider disciplinary sanctions under IC 25-1-9-10**  
 9 **or IC 25-1-11-13 by using a means of communication that permits:**

10 **(1) all other members participating in the meeting; and**  
 11 **(2) all members of the public physically present at the place**  
 12 **where the meeting is conducted;**

13 **to simultaneously communicate with each other during the**  
 14 **meeting.**

15 **(c) A member of the state boxing commission may participate in**  
 16 **meetings of the commission to consider the final approval of a**  
 17 **permit for a particular boxing or sparring match or exhibition**  
 18 **under IC 25-9-1-6(b) by using a means of communication that**  
 19 **permits:**

20 **(1) all other members participating in the meeting; and**  
 21 **(2) all members of the public physically present at the place**  
 22 **where the meeting is conducted;**

23 **to simultaneously communicate with each other during the**  
 24 **meeting.**

25 **(d) A member who participates in a meeting under subsection**  
 26 **(b) or (c):**

27 **(1) is considered to be present at the meeting;**  
 28 **(2) shall be counted for purposes of establishing a quorum;**  
 29 **and**  
 30 **(3) may vote at the meeting.**

31 SECTION 4. IC 25-2.1-2-3 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The board  
 33 consists of six (6) members appointed by the governor.

34 **(b) ~~Four~~ (4) Five (5) members must meet the following conditions:**

35 **(1) Be a resident of Indiana.**  
 36 **(2) Be a certified public accountant under IC 25-2.1-3 or**  
 37 **IC 25-2.1-4.**

38 **~~(c) One (1) member must meet the following conditions:~~**

39 **~~(1) Be a resident of Indiana.~~**  
 40 **~~(2) Be certified as a public accountant or an accounting~~**  
 41 **~~practitioner under IC 25-2.1-6.~~**

42 **~~(d)~~ (c) One (1) member must meet the following conditions:**

43 **(1) Be a resident of Indiana.**  
 44 **(2) Be a consumer who is not certified under this article but has**  
 45 **professional or practical experience in the use of accounting**  
 46 **services and financial statements that qualify the individual to**  
 47 **make judgments about the qualifications and conduct of**  
 48 **individuals and firms under this article.**

49 SECTION 5. IC 25-2.1-4-2 IS AMENDED TO READ AS  
 50 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. **(a) An initial and**  
 51 **renewed certificate expires at the earlier of the following:**

(1) Three (3) years after issuance.

(2) At a time established by the board.

on the date established by the licensing agency under IC 25-1-6-4.

(b) An individual may renew a certificate by paying a renewal fee and complying with the continuing education requirements established under section 5 of this chapter on or before the expiration date of the certificate.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a certificate, the certificate becomes invalid without further action by the board.

(d) If an individual holds a certificate that has been invalid for not more than three (3) years, the board shall reinstate the certificate if the individual meets the requirements of IC 25-1-8-6(c).

(e) If more than three (3) years have elapsed since the date a certificate expired, the individual who holds the certificate may seek reinstatement of the certificate by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

SECTION 6. IC 25-2.1-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The board shall issue a CPA certificate to a holder of a certificate issued by another state if the holder meets the requirements under subsection (b) or (c).

(b) With regard to applicants who do not qualify for reciprocity under the substantial equivalency standard set forth in section 10(a)(2) of this chapter, the board shall issue a CPA certificate to a holder of a certificate issued by another state upon a showing that:

(1) the applicant has:

(A) passed the examination required for issuance of the applicant's certificate; and

(B) the applicant:

(i) had four (4) years of experience in Indiana or another state of the type described in IC 25-2.1-3-10 or meets equivalent requirements prescribed by the board after passing the examination on which the applicant's certificate was based and during the ten (10) years immediately preceding the applicant's application; and

(ii) if the applicant's certificate was issued by the other state more than four (4) years before the application for issuance of an initial certificate under this chapter, fulfilled the requirements for continuing professional education that would have been applicable under section 5 of this chapter.

(c) The board shall issue a CPA certificate to a CPA certified by another state that seeks to establish the individual's principal place of business in Indiana if the:

(1) individual requests the issuance of a certificate from the board before establishing the individual's principal place of business in Indiana; and

(2) board or its designee if the board determines that the individual's CPA qualifications are substantially equivalent to the CPA licensure requirements of Indiana.

SECTION 7. IC 25-2.5-2-3 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) An applicant may, upon the payment of a fee established by the board, be granted a license if the applicant:

(1) submits satisfactory evidence to the board that the applicant has been licensed to practice acupuncture in another state or authorized in another country ~~under qualifications substantially equivalent to those specified in this chapter~~ for a license to practice acupuncture;

**(2) meets the requirements of section 1(1) through 1(4) of this chapter; and**

**(3) shows to the satisfaction of the board that the applicant has:**

**(A) successfully completed a clean needle technique course substantially equivalent to a clean needle technique course approved by a national acupuncture association approved by the board;**

**(B) successfully completed a three (3) year postsecondary training program or acupuncture college program that meets the standards substantially equivalent to the standards for a three (3) year postsecondary training program or acupuncture college program approved by a national acupuncture association approved by the board; and**

**(C) passed an examination substantially equivalent to the examination required by a national acupuncture association approved by the board.**

(b) An applicant may, upon the payment of a fee established by the board, be granted a professional's license to practice acupuncture if the applicant submits satisfactory evidence to the board that the applicant is a:

(1) chiropractor licensed under IC 25-10;

(2) dentist licensed under IC 25-14; or

(3) podiatrist licensed under IC 25-29;

with at least two hundred (200) hours of acupuncture training.

(c) The board shall:

(1) compile, at least once every two (2) years, a list of courses and institutions that provide training approved for the purpose of qualifying an individual for a professional's license under subsection (b); and

(2) adopt rules that set forth procedures for the case by case approval of training under subsection (b).

(d) If an individual's license described in subsection (b)(1), (b)(2), or (b)(3) is subject to any restrictions as the result of disciplinary action taken against the individual by the board that regulates the individual's profession, the same restrictions shall be applied to the individual's professional's license to practice acupuncture.

(e) An individual's professional's license issued under subsection (b) shall be suspended if the individual's license described under subsection (b)(1), (b)(2), or (b)(3) is suspended.

(f) An individual's professional's license issued under subsection (b) shall be revoked if the individual's license described under subsection



(b)(1), (b)(2), or (b)(3) is revoked.

(g) The practice of acupuncture by an individual issued a professional's license under subsection (b) is limited to the scope of practice of the individual's license described in subsection (b)(1), (b)(2), or (b)(3).

SECTION 8. IC 25-2.5-2-5, AS AMENDED BY P.L.1-2006, SECTION 419, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A license issued by the board expires on the date established by the agency under IC 25-1-5-4 in each even-numbered year.

(b) To renew a license, an acupuncturist must:

(1) pay a renewal fee not later than the expiration date of the license; and

(2) submit proof of current active licensure in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine.

**(c) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid without further action by the board.**

**(d) If an individual holds a license that has been invalid for not more than three (3) years, the board shall reinstate the license if the individual meets the requirements of IC 25-1-8-6(c).**

**(e) If more than three (3) years have elapsed since the date a license expired, the individual who holds the license may seek reinstatement of the license by satisfying the requirements for reinstatement under IC 25-1-8-6(d).**

SECTION 9. IC 25-4-1-6, AS AMENDED BY P.L.194-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) A person desiring to engage ~~or continue~~ in the practice of architecture: ~~shall~~:

(1) **shall** apply to the board for a certificate of registration in **compliance with this chapter; and**

(2) **shall** submit evidence to the board that the person is qualified to engage ~~or continue~~ in the practice of architecture in compliance with the requirements of this chapter, **including evidence that the person:**

**(A) graduated with a professional degree from a school or college of architecture accredited by the National Architectural Accrediting Board, Inc., or its successor;**

**(B) successfully completed the required examination; and**

**(C) successfully completed the intern development program required under section 7.5 of this chapter; and**

**(3) must not have been convicted of:**

**(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or**

**(B) a felony that has direct bearing on the applicant's ability to practice competently.**

(b) The application for a certificate of registration shall be:

(1) made on a form prescribed and furnished by the board;

(2) verified; and

(3) accompanied by a fee established by the board under

IC 25-1-8-2.

SECTION 10. IC 25-4-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. ~~(a)~~ Any person who is at least eighteen (18) years of age shall be qualified for an examination for a certificate of registration as a registered architect, ~~provided he shall~~

~~(1) have if the individual has~~ graduated with a professional degree from a school or college of architecture ~~recognized by the board; and accredited by the National Architectural Accrediting Board, Inc., or its successor.~~

~~(2) either:~~

~~(A) have had at least three (3) years practical experience in the office or offices of reputable; registered; practicing architects; or~~

~~(B) have had a combination of training and practical experience which shall be found by the board to be fully equivalent to clause (A);~~

~~(b) The applicant must not have a conviction for:~~

~~(1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or~~

~~(2) a felony that has a direct bearing on the applicant's ability to practice competently;~~

SECTION 11. IC 25-4-1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7.5. An applicant for a certificate of registration under this chapter shall furnish evidence that the applicant has successfully completed an intern development program. The intern development program must:**

**(1) provide practical, supervised experience in the practice of architecture; and**

**(2) meet all other requirements established by the board in rules adopted under IC 4-22-2.**

SECTION 12. IC 25-4-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) As used in this section, "out-of-state applicant" means an individual who is an architect registered or licensed under the laws of another state, a foreign country, or a province in a foreign country and who is an applicant for a certificate of registration as a registered architect.

(b) This section applies only to an out-of-state applicant.

(c) The board shall grant a certificate of registration to an out-of-state applicant upon the following conditions:

(1) The out-of-state applicant must be at least eighteen (18) years of age. ~~and must not have been convicted of:~~

~~(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or~~

~~(B) a felony that has a direct bearing on the applicant's ability to practice competently;~~

**(2) The out-of-state applicant's registration in the other jurisdiction is valid and in good standing.**

**(3) The out-of-state applicant must have passed the examination required in the other state, or the equivalent**

1 offered in the other state, at the time the out-of-state applicant  
2 was registered in the other state.

3 **(4) The out-of-state applicant has not been convicted of:**

4 **(A) an act that would constitute a ground for disciplinary**  
5 **sanction under IC 25-1-11; or**

6 **(B) a felony that has a direct bearing on the applicant's**  
7 **ability to practice competently.**

8 ~~(2)~~ **(5)** If registered in the other jurisdiction after June 30, 1979,  
9 the out-of-state applicant must: ~~meet both of the following~~  
10 ~~conditions:~~

11 ~~(A) Have:~~

12 ~~(i) (A) have~~ met the requirements specified by ~~section 7(a)(1)~~  
13 ~~and 7(a)(2)~~ **section 6** of this chapter; or

14 ~~(ii) (B) earned a bachelor's degree in a design discipline and~~  
15 ~~have at least seven (7) years of experience as a registered~~  
16 ~~architect and have:~~

17 **(i) a bachelor's degree in a design discipline; or**

18 **(ii) a combination of training and experience that the**  
19 **board finds to be equivalent to a bachelor's degree in a**  
20 **design discipline.**

21 ~~(B) Have passed the examination required in Indiana; or the~~  
22 ~~equivalent; at the time the out-of-state applicant was registered~~  
23 ~~in the other jurisdiction:~~

24 ~~(3)~~ **(6)** If registered in the other jurisdiction before July 1, 1979,  
25 the out-of-state applicant must ~~meet the following conditions:~~

26 ~~(A) have~~ met the education and work experience requirements  
27 in effect in Indiana when the out-of-state applicant was  
28 registered in the other jurisdiction.

29 ~~(B) Have passed the examination required in Indiana; or the~~  
30 ~~equivalent; at the time the out-of-state applicant was registered~~  
31 ~~in the other jurisdiction:~~

32 ~~(4)~~ **(7)** The out-of-state applicant must pay fees established by the  
33 board.

34 (d) If an out-of-state applicant does not meet the examination  
35 requirements under subsection ~~(c)(2)~~ or (c)(3), the board may require  
36 the out-of-state applicant to pass a written examination ~~and an oral~~  
37 ~~interview necessary~~ to achieve equivalence to the examination required  
38 in Indiana at the time the out-of-state applicant was registered in the  
39 other jurisdiction.

40 SECTION 13. IC 25-4-1-14, AS AMENDED BY P.L.157-2006,  
41 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2008]: Sec. 14. (a) Every registered architect who continues  
43 in active practice shall, biennially, on or before the date established by  
44 the licensing agency under IC 25-1-6-4, renew the registered architect's  
45 certificate of registration and pay the required renewal fee. ~~A registered~~  
46 ~~architect whose certificate of registration has expired may have the~~  
47 ~~certificate restored only upon payment of the required fee under~~  
48 ~~IC 25-1-8-6.~~

49 ~~(b) Subject to subsection (c), any~~ **An** architect registered or licensed  
50 in **this state Indiana** who has failed to renew the architect's certificate  
51 of registration for a period of not more than five (5) years may have the

certificate of registration renewed at any time within a period of five (5) years after the registration expired upon:

(1) making application to the board for renewal of the registration; and

(2) paying a fee required under IC 25-1-8-6.

reinstated by meeting the requirements of IC 25-1-8-6(c).

(c) An architect registered in Indiana who has failed to renew the architect's certificate of registration for more than five (5) years may have the certificate of registration reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(d) If any registered architect desires to retire from the practice of architecture in Indiana, the architect may submit to the board the architect's verified statement of intention to withdraw from practice. The statement shall be entered upon the records of the board. During the period of the architect's retirement, the architect is not liable for any renewal or restoration fees.

(e) If any retired architect desires to return to the practice of architecture in Indiana, within a period of the retired architect must meet the following requirements:

(1) If the certificate of registration has been expired for not more than five (5) years, from the date that the architect files a statement under this subsection, the retired architect must:

(A) file with the board a verified statement indicating the architect's desire to return to the practice of architecture; and

(B) pay a renewal fee equal to the fee set by the board to renew an unexpired registration under this chapter.

(2) If the certificate of registration has been expired for more than five (5) years, the retired architect must:

(A) file with the board a verified statement indicating the architect's desire to return to the practice of architecture;

(B) pay a renewal fee equal to the fee set by the board to renew an unexpired registration under this chapter; and

(C) complete remediation and additional training established by the board based on the length of time the certificate of registration has been expired.

SECTION 14. IC 25-4-2-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 8.5. (a)** Every registered landscape architect who continues in active practice shall biennially, on or before the date established by the licensing agency under IC 25-1-6-4, renew the registered landscape architect's certificate of registration and pay the required renewal fee.

(b) A landscape architect registered in Indiana who has failed to renew the landscape architect's certificate of registration for a period of not more than five (5) years may have the certificate of registration reinstated by meeting the requirements of IC 25-1-8-6(c).

(c) A landscape architect registered in Indiana who has failed to renew the landscape architect's certificate of registration for a period of more than five (5) years may have the certificate of registration reinstated by satisfying the requirements for

**reinstatement under IC 25-1-8-6(d).**

SECTION 15. IC 25-5.1-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) Except as provided in subsection (b), an individual whose license has expired may have the license ~~renewed for not more than~~ **reinstated not later than** three (3) years after the date of expiration upon meeting the requirements under ~~IC 25-1-8-6~~ **IC 25-1-8-6(c).**

~~(b) If an individual's license has been expired for more than three (3) years, the individual must file a new application.~~

**(b) A license that has been expired for more than three (3) years may be reinstated if the individual holding the license satisfies the requirements for reinstatement under IC 25-1-8-6(d).**

SECTION 16. IC 25-6.1-3-2, AS AMENDED BY P.L.157-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

- (1) be at least eighteen (18) years of age;
- (2) have completed at least eighty (80) actual hours of auction instruction from a course provider approved by the commission;
- (3) not have a conviction for:
  - (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-11; or
  - (B) a felony that has a direct bearing on the applicant's ability to practice competently.

(c) Auction instruction required under subsection (b) must provide the applicant with knowledge of all of the following:

- (1) The value of real estate and of various goods commonly sold at an auction.
- (2) Bid calling.
- (3) Sale preparation, sale advertising, and sale summary.
- (4) Mathematics.
- (5) The provisions of this article and the commission's rules.
- (6) Any other subject matter approved by the commission.

(d) An individual seeking an initial license as an auctioneer under this article shall file with the commission a completed application on the form prescribed by the commission. When filing an application for an auctioneer license, each individual shall pay a nonrefundable examination fee established by the commission under IC 25-1-8-2.

(e) When applying for a renewal of an auctioneer license, each individual shall do the following:

- (1) Apply in a manner required by the commission, including certification by the applicant that the applicant has complied with the requirements of IC 25-6.1-9-8, unless the commission has granted the applicant a waiver under IC 25-6.1-9-9.
- (2) Pay the ~~license renewal fee prescribed by section 5 of this chapter.~~ **established by the commission under IC 25-1-8-2.**

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and **may** verify the information contained therein.

(g) An applicant who is seeking an initial license must pass an

examination approved by the commission that covers subjects and topics of knowledge required to practice as an auctioneer. The commission shall hold examinations as the commission may prescribe.

(h) The commission shall issue an auctioneer's license, in such form as it may prescribe, to each individual who meets all of the requirements for licensing and pays the appropriate fees.

(i) Auctioneer licenses shall be issued for a term of four (4) years. A license expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every fourth year thereafter, unless renewed before that date. If the license has expired, it may be reinstated **not more than one (1) year not later than four (4) years** after the date it expired ~~upon the payment of the renewal fee plus the reinstatement fee established under IC 25-1-8-6 and submission of proof that the applicant has complied with the continuing education requirement; if the license holder meets the requirements of IC 25-1-8-6(c).~~

(j) ~~If the a~~ license has expired for a period of more than ~~one (1)~~ year, the person must file an application and take the required examination. However, an applicant for reinstatement of an expired license is not required to complete the initial eighty (80) hour education requirement under this section in order to reinstate the expired license. The holder of an expired license shall cease to display the original wall certificate at the holder's place of business and shall return the wall certificate to the commission upon notification by the commission of the expiration of the holder's license: **four (4) years, the holder of the license may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).**

~~(j)~~ (k) The commission may waive the requirement that a nonresident applicant pass an examination and that the nonresident submit written statements by two (2) individuals, if the nonresident applicant:

- (1) is licensed to act as an auctioneer in the state of the applicant's domicile;
- (2) submits with the application a duly certified letter of certification issued by the licensing board of the applicant's domiciliary state;
- (3) is a resident of a state whose licensing requirements are substantially equal to the requirements of Indiana;
- (4) is a resident of a state that grants the same privileges to the licensees of Indiana; and
- (5) includes with the application an irrevocable consent that actions may be commenced against the applicant. The consent shall stipulate that service of process or pleadings on the commission shall be taken and held in all courts as valid and binding as if service of process had been made upon the applicant personally within this state. If any process or pleading mentioned in this subsection is served upon the commission, it shall be by duplicate copies. One (1) of the duplicate copies shall be filed in the office of the commission and one (1) shall be immediately forwarded by the commission by registered or certified mail to the applicant against whom the process or pleadings are directed.

~~(k)~~ (l) The commission may enter into a reciprocal agreement with

another state concerning nonresident applicants.

(+) (m) The commission may, for good cause shown, upon the receipt of an application for a license, issue a temporary permit for such reasonable period of time, not to exceed one (1) year, as the commission deems appropriate. A temporary permit has the same effect as a license and entitles and subjects the permittee to the same rights and obligations as if the individual had obtained a license.

~~(m)~~ (n) An applicant for a temporary permit must do the following:

(1) File an examination application.

(2) Pass the examination at one (1) of the next two (2) regularly scheduled examinations.

~~(n)~~ (o) An individual who does not pass the examination required under ~~subsection (m)~~ **subsection (n)** may not be issued a temporary permit.

SECTION 17. IC 25-6.1-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) This section does not apply to an organization that operates a wholesale dealer automobile auction.

(b) Every person, before operating an auction house, must obtain a license from the commission for that auction house.

(c) Except as provided in subsection (d), before applying for a license from the commission to operate an auction house, the following must obtain a license as an auctioneer as provided in section 2 of this chapter:

(1) An individual who seeks to operate an auction house.

(2) One (1) or more individuals designated by an organization that seeks to operate an auction house.

(d) Subsection (c) does not apply to:

(1) a person that holds a valid license for an auction house as of June 30, 1998; or

(2) a person that holds a valid renewal of a license described in subdivision (1).

(e) Every applicant seeking to operate an auction house shall file with the commission a completed application on a form provided by the commission for a license for each auction house to be operated by that person. Each application shall be accompanied by the license fee prescribed by section 5 of this chapter and a surcharge described in IC 25-6.1-8-2.

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and may verify the information contained therein.

(g) If the commission determines that the application has been completed and that the statements made therein by the applicant are true, the commission shall issue a license, in such form as it may prescribe, for such auction house.

(h) Auction house licenses shall expire ~~at midnight, February 28, 2004, on a date established by the licensing agency under IC 25-1-6-4, and every fourth year thereafter. A renewal license with a term of four (4) years shall be issued if an application is for a renewal license.~~

**(i) If the holder of an auction house license does not renew the**

license by the date established by the licencing agency, the license expires and becomes invalid without any action taken by the commission.

(j) The holder of an auction house license that has been expired for not more than four (4) years may have the license reinstated by meeting the requirements under IC 25-1-8-6(c).

(k) The holder of an auction house license that has been expired for more than four (4) years may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

SECTION 18. IC 25-6.1-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) Every person other than:

(1) an individual who is a licensed auctioneer; or

(2) an individual who has a licensed auction house;

who is seeking to operate as an auction company must obtain a license from the commission. Notwithstanding the fact that an individual who is a licensed auctioneer or an individual who has a licensed auction house also has an interest in an organization, every organization which seeks to operate an auction company must obtain a license for that auction company.

(b) Every such person shall file with the commission a completed application on the form prescribed by the commission. Each application shall be accompanied by the license fee prescribed by section 5 of this chapter and a surcharge described in IC 25-6.1-8-2.

(c) Upon the receipt of a completed application for an initial or renewal license, the commission shall examine the application and may verify the information contained therein.

(d) Upon a determination by the commission that an application is completed and duly verified, the commission shall issue an auction company license, in such form as it may prescribe, to the applicant.

(e) Auction company licenses shall expire ~~at midnight, February 28, 2004, on a date established by the licensing agency under IC 25-1-6-4,~~ and every fourth year thereafter. ~~A renewal license with a term of four (4) years shall be issued if the application is for a renewal license.~~

(f) If the holder of an auction company license does not renew the license by the date established by the licensing agency, the license expires and becomes invalid without any action taken by the commission.

(g) The holder of an auction company license that has been expired for not more than four (4) years may have the license reinstated by meeting the requirements under IC 25-1-8-6(c).

(h) The holder of an auction company license that has been expired for more than four (4) years may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(i) Any individual who wishes to operate an auction company, and who is exempt under subsection (a) from obtaining an auction company license, shall, ~~on February 28, 1978, or on not more than thirty (30) days before~~ the date on which the individual begins to operate an auction company, ~~whichever is later,~~ notify the secretary of



the commission, in a writing signed by the individual, that the individual is operating as an auction company or as more than one (1) auction company. The individual shall specify in such written notification the trade or business name, and the address of the principal place of business, of each auction company which the individual operates. Whenever an individual to whom this subsection applies shall discontinue the operation of an auction company theretofore operated by the individual, or shall change its address or trade or business name, the individual shall promptly notify the secretary of the commission of such discontinuance or change, in a writing signed by the individual.

SECTION 19. IC 25-7-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) A person who holds a license under this article may apply for renewal of the license.

**(b) A license expires on the date established by the licensing agency under IC 25-1-6-4.**

~~(b)~~ (c) The board shall renew a license if the license holder pays the fee set forth in ~~IC 25-7-11~~ **established by the board under IC 25-1-8-2** to renew the license before the license expires.

SECTION 20. IC 25-7-6-14, AS AMENDED BY P.L.157-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. **(a) The holder of an expired barber license may be have the license** reinstated by ~~payment of the reinstatement and renewal fees required under IC 25-1-8-2 and IC 25-1-8-6~~ **meeting the requirements of IC 25-1-8-6(c) within not later than five (5) years of after** the expiration date of the license.

**(b) After If more than five (5) years from have elapsed since the date that a barber license expires expired under this section; chapter,** the person whose license has expired may reinstate the license **may be reinstated only by if the holder of the license satisfies the requirements for reinstatement under IC 25-1-8-6(d).**

**(1) applying for reinstatement of the license;**

**(2) paying the fees set forth under ~~IC 25-7-11~~ and IC 25-1-8-6;**  
**and**

**(3) taking the same examination required under ~~IC 25-7-10~~ for an applicant for a license to practice as a registered barber.**

SECTION 21. IC 25-8-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. **(a)** Except as provided in IC 25-8-9-11, a person who holds a license under this article may apply for its renewal.

**(b) A license expires on a date established by the licensing agency under IC 25-1-6-4.**

SECTION 22. IC 25-8-4-19, AS AMENDED BY P.L.157-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. The board shall renew a license if the license holder pays the fee set forth in ~~IC 25-8-13~~ **established by the board under IC 25-1-8-2** to renew the license before the license is to expire.

SECTION 23. IC 25-8-4-21, AS AMENDED BY P.L.197-2007, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. (a) Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this ~~chapter~~

1 **article** that has **been** expired for not more than three (3) years if the  
 2 person holding the license **meets the requirements of IC 25-1-8-6(c).**

- 3 (1) ~~pays renewal fees established by the board under IC 25-1-8-2;~~
- 4 (2) ~~pays the license reinstatement fee established under~~  
 5 ~~IC 25-1-8-6; and~~
- 6 (3) ~~complies with all of the requirements established under~~  
 7 ~~IC 25-1-8-6.~~

8 (b) ~~Except as provided in subsection (e) and (f),~~ The board may not  
 9 reinstate a license issued under this article if the person holding the  
 10 license does not apply for reinstatement **within not more than three (3)**  
 11 **years after the expiration date of the license, unless the person holding**  
 12 **the license meets the requirements for reinstatement under**  
 13 **IC 25-1-8-6(d).**

- 14 (1) ~~receives a satisfactory grade (as described in section 9 of this~~  
 15 ~~chapter) on an examination prescribed by the board;~~
- 16 (2) ~~pays the examination fee set forth in IC 25-1-8-2;~~
- 17 (3) ~~pays the renewal fees established by the board under~~  
 18 ~~IC 25-1-8-2; and~~
- 19 (4) ~~pays the reinstatement fee established under IC 25-1-8-6.~~

20 (c) ~~If a person does not receive a satisfactory grade on the~~  
 21 ~~examination described in subsection (b)(1); the person may repeat the~~  
 22 ~~examination subject to the rules governing the examination as adopted~~  
 23 ~~by the board.~~

24 (d) ~~If a person does not receive a satisfactory grade on a repeat~~  
 25 ~~examination as provided in subsection (c); the board may:~~

- 26 (1) ~~permit the person to take the examination again;~~
- 27 (2) ~~require the person to complete remediation and additional~~  
 28 ~~training as required by the board before the person is permitted to~~  
 29 ~~take the examination again; or~~
- 30 (3) ~~refuse to permit the person to take the examination again and~~  
 31 ~~deny the application for reinstatement of the license.~~

32 (e) ~~The board may not reinstate:~~

- 33 (1) ~~a cosmetology salon license issued under IC 25-8-7;~~
- 34 (2) ~~an electrology salon license issued under IC 25-8-7.2;~~
- 35 (3) ~~an esthetic salon license issued under IC 25-8-12.6; or~~
- 36 (4) ~~a manicurist salon license issued under IC 25-8-7.1;~~

37 ~~unless the license holder submits an application for reinstatement of the~~  
 38 ~~license not later than three (3) years after the date the license expires.~~

39 (f) ~~The board may not reinstate a cosmetology school license issued~~  
 40 ~~under IC 25-8-5 unless the license holder submits an application for~~  
 41 ~~reinstatement of the license not later than three (3) years after the date~~  
 42 ~~the license expires.~~

43 **SECTION 24. IC 25-8-15.4-9 IS AMENDED TO READ AS**  
 44 **FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) A license issued**  
 45 **under this chapter expires July 1 following the July 1 following the date**  
 46 **the license is issued. every fourth year on a date established by the**  
 47 **licensing agency under IC 25-1-6-4.**

48 (b) The board shall renew a license issued under this chapter if the  
 49 person that operates the facility **does the following:**

- 50 (1) **Submits a renewal application to the board on a form**  
 51 **prescribed by the board before the license expires.**

(2) Has complied with this chapter and rules adopted under this chapter.

(3) Has allowed the board to inspect the tanning facility.

**pays the fee for renewal established by the board under IC 25-1-8-2 on or before the date established by the licensing agency.**

**(c) If the holder of a license does not renew the license on or before the renewal date established by the licensing agency, the license expires and becomes invalid without any action by the board.**

SECTION 25. IC 25-8-15.4-9.5, AS ADDED BY P.L.197-2007, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9.5. **(a) The board may, upon application, reinstate a license under this chapter that has been expired for not more than three (3) years if the person holding the license meets the requirements for reinstatement established under IC 25-1-8-6(c).**

**(1) pays the current renewal fee established by the board under IC 25-1-8-2;**

**(2) pays the license reinstatement fee established under IC 25-1-8-6; and**

**(3) complies with all requirements established under this article for an applicant for an initial license.**

**(b) If more than three (3) years have elapsed since the date a license under this chapter expired, the individual holding the license may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).**

SECTION 26. IC 25-10-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) A license issued under this chapter is valid until the next renewal date described under subsection (b).

(b) All licenses issued by the board shall be subject to renewal ~~on July 1 in each even-numbered year.~~ **biennially on a date established by the licensing agency under IC 25-1-5-4.** A renewal license fee established by the board ~~shall under IC 25-1-8-2 must be paid before July 1 in each even-numbered year~~ to the board **on or before the date established by the licensing agency**, and if not paid on or before that date, the license expires and becomes invalid without any action taken by the board. ~~A new license may be issued only upon application and the payment of a fee established by the board. All licenses shall be displayed in the office or the place of practice of the licensee.~~

**(c) An individual whose license has been expired for not more than three (3) years may have the license reinstated upon meeting the requirements for reinstatement under IC 25-1-8-6(c).**

**(d) If more than three (3) years have elapsed since the date a license under this chapter expired, the individual holding the license may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).**

**(e) A license must be displayed in the office or the place of practice of the licensee.**

~~(c)~~ **(f) Each applicant for renewal shall furnish evidence of attendance during each preceding licensing year at not less than one (1) chiropractic educational conference or seminar approved by the board.**

The conference or seminar may be conducted by an established chiropractic organization or college. This requirement does not apply to the applicant's first licensing year. If an applicant fails to comply with this subsection, the applicant's license expires and becomes invalid at midnight of the renewal date and may be reinstated only upon application and the payment of a fee established by the board and proper showing to the board that there has been a makeup by the applicant of the omitted educational work.

~~(d)~~ **(g)** Any chiropractor licensed to practice chiropractic in this state who intends to retire from practice shall notify the board in writing of the chiropractor's intention to retire and shall surrender the license to the board. Upon receipt of this notice and license, the board shall record the fact that the chiropractor is retired and excuse the person from further payment of license renewal fees and attendance at license renewal seminars. If any chiropractor surrenders the license to practice chiropractic in this state, the chiropractor's reinstatement may be considered by the board on the chiropractor's written request. If any disciplinary proceedings under this chapter are pending against a chiropractor, the chiropractor may not surrender the license without the written approval of the board.

~~(e)~~ **(h)** Any chiropractor licensed to practice chiropractic in this state who intends to become inactive in the practice of chiropractic shall notify the board in writing that the chiropractor will not maintain an office or practice chiropractic in Indiana. The board shall then classify the chiropractor's license as inactive. The renewal fee of the inactive license is one-half (1/2) of the license renewal fee, and the chiropractor shall not be required to attend license renewal seminars. If a chiropractor holding an inactive license intends to maintain an office or practice chiropractic, the chiropractor shall notify the board of that intent. The board may reinstate that chiropractor's license upon notification and receipt of:

- (1) an application;
- (2) payment of the current renewal fee;
- (3) payment of the current reinstatement fee; and
- (4) evidence of attendance of one (1) educational conference approved by the board for each year or portion of a year of inactive license classification.

~~(f)~~ **(i)** The board shall discipline a practitioner of the chiropractic in accordance with IC 25-1-9.

SECTION 27. IC 25-13-1-8, AS AMENDED BY P.L.1-2006, SECTION 429, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) A license to practice dental hygiene in Indiana shall be issued to candidates who pass the board's examinations. The license shall be valid for the remainder of the renewal period in effect on the date the license was issued.

(b) Prior to the issuance of the license, the applicant shall pay a fee set by the board under section 5 of this chapter. A license issued by the board expires on a date specified by the Indiana professional licensing agency under IC 25-1-5-4(k) of each even-numbered year.

**(c)** An applicant for license renewal must satisfy the following conditions:

(1) Pay the renewal fee set by the board under section 5 of this chapter on or before the renewal date specified by the Indiana professional licensing agency in each even-numbered year.

(2) Subject to IC 25-1-4-3, provide the board with a sworn statement signed by the applicant attesting that the applicant has fulfilled the continuing education requirements under IC 25-13-2.

(3) Be currently certified or successfully complete a course in basic life support through a program approved by the board. The board may waive the basic life support requirement for applicants who show reasonable cause.

~~(c)~~ (d) If the holder of a license does not renew the license on or before the renewal date specified by the Indiana professional licensing agency, the license expires and becomes invalid without any action by the board.

~~(d)~~ (e) A license invalidated under ~~subsection (e)~~ **subsection (d)** may be reinstated by the board ~~up to~~ **in** three (3) years **or less** after such invalidation ~~upon meeting if the holder of the license meets~~ the requirements under ~~IC 25-1-8-6~~. **IC 25-1-8-6(c).**

~~(e)~~ (f) If a license remains invalid under ~~subsection (e)~~ **subsection (d)** for more than three (3) years, the holder of the invalid license may obtain a reinstated license ~~if the holder meets the following requirements:~~

~~(1) Meets by meeting~~ the requirements **for reinstatement** under ~~IC 25-1-8-6~~. **IC 25-1-8-6(d).**

(2) Passes an examination on state and federal laws that are relevant to the practice of dental hygiene as determined by the board.

(3) Has been continuously engaged in the practice of dental hygiene from the date the holder's license was invalidated through the date the holder applies for reinstatement.

(4) Other than failing to renew the license, has complied with this chapter and the rules adopted under this chapter during the time specified under subdivision (3).

(5) Complies with any other requirements established by the board under subsection (g).

(g) The board may require the holder of an invalid license who files an application under this subsection to appear before the board and explain why the holder failed to renew the license.

(f) If the lapse of time in revalidating the license continues beyond three (3) years, and the holder of the invalid license does not meet the requirements under subsection (e), the holder of the invalid license must apply for licensure under section 4 or 17 of this chapter. In addition, the board may require the holder of the expired license to pay all past due renewal fees and a penalty fee set by the board under section 5 of this chapter.

~~(g)~~ (h) The board may adopt rules under section 5 of this chapter establishing requirements for the reinstatement of a license that has been invalidated for more than three (3) years.

~~(h)~~ (i) The license to practice must be displayed at all times in plain view of the patients in the office where the holder is engaged in

practice. No person may lawfully practice dental hygiene who does not possess a license and its current renewal.

~~(i)~~ **(j)** Biennial renewals of licenses are subject to the provisions of IC 25-1-2.

SECTION 28. IC 25-13-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) A dental hygienist must complete at least fourteen (14) credit hours in continuing education courses each license period.

(b) Credit hours may be applied under this section only toward the credit hour requirement for the license period during which the credit hours are earned.

(c) During a license period, a dental hygienist may not earn more than five (5) credit hours toward the requirements under this section for continuing education courses that relate specifically to the area of practice management.

(d) Not more than two (2) credit hours for certification programs in basic life support required under ~~IC 25-13-1-8(b)(3)~~ **IC 25-13-1-8(c)(3)** may be applied toward the credit hour requirement during each license period.

SECTION 29. IC 25-14-1-10, AS AMENDED BY P.L.1-2006, SECTION 432, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) Unless renewed, a license issued by the board expires on a date specified by the agency under IC 25-1-5-4(k). An applicant for renewal shall pay the renewal fee set by the board under section 13 of this chapter on or before the renewal date specified by the agency.

(b) The license shall be properly displayed at all times in the office of the person named as the holder of the license, and a person may not be considered to be in legal practice if the person does not possess the license and renewal card.

(c) If a holder of a dental license does not ~~secure the renewal card~~ **renew the license** on or before the renewal date specified by the agency, without any action by the board the license together with any related renewal card is invalidated.

(d) Except as provided in section 27.1 of this chapter, a license invalidated under subsection (c) may be reinstated by the board ~~up to~~ **in three (3) years or less** after its invalidation ~~upon meeting if the holder of the license meets~~ the requirements under ~~IC 25-1-8-6~~ **IC 25-1-8-6(c)**.

(e) Except as provided in section 27.1 of this chapter, if a license remains invalid under subsection (c) for more than three (3) years, the holder of the invalid license may obtain a reinstated license ~~if the holder meets the following requirements:~~

~~(1) Meets the by satisfying the requirements for reinstatement~~ under ~~IC 25-1-8-6~~ **IC 25-1-8-6(d)**.

~~(2) Passes an examination on state and federal laws that are relevant to the practice of dentistry as determined by the board.~~

~~(3) Has been continuously engaged in the practice of dentistry from the date the holder's license was invalidated through the date the holder applies for reinstatement.~~

~~(4) Other than failing to obtain a renewal card, has complied with~~

1 this chapter and the rules adopted under this chapter during the  
2 time specified under subdivision (3):

3 (5) ~~Complies with any other requirements established by the~~  
4 ~~board under subsection (g):~~

5 (f) The board may require the holder of an invalid license who files  
6 an application under this subsection to appear before the board and  
7 explain why the holder failed to renew the license.

8 (f) ~~If a license remains invalid under subsection (c) for more than~~  
9 ~~three (3) years and the holder of the invalid license does not meet the~~  
10 ~~requirements under subsection (c), the holder of the invalid license may~~  
11 ~~be issued a license only by reapplying for a license under section 3 or~~  
12 ~~16 of this chapter. In addition, the board may require the holder of the~~  
13 ~~invalidated license to pay all past due renewal fees and a penalty fee set~~  
14 ~~by the board under section 13 of this chapter.~~

15 (g) The board may adopt rules under section 13 of this chapter  
16 establishing requirements for the reinstatement of a license that has  
17 been invalidated for more than three (3) years. The fee for a duplicate  
18 license to practice as a dentist is subject to IC 25-1-8-2.

19 (h) Biennial renewal of licenses is subject to IC 25-1-2.

20 (i) Subject to IC 25-1-4-3, an application for renewal of a license  
21 under this section must contain a sworn statement signed by the  
22 applicant attesting that the applicant has fulfilled the continuing  
23 education requirements under IC 25-14-3.

24 SECTION 30. IC 25-14.5-6-4 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) A certificate may  
26 be reinstated by the board ~~up to~~ **not later than** three (3) years after its  
27 expiration if the applicant for reinstatement meets the requirements  
28 under ~~IC 25-1-8-6~~ **IC 25-1-8-6(c)**.

29 (b) **A certificate that has been expired for more than three (3)**  
30 **years may be reinstated by the board if the holder of the certificate**  
31 **satisfies the requirements for reinstatement under IC 25-1-8-6(d).**

32 SECTION 31. IC 25-15-6-1 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) **Except as**  
34 **provided in subsection (b),** a license issued under this article expires  
35 on ~~December 31~~ in either:

36 (1) ~~the next even-numbered year after it is issued; or~~

37 (2) ~~the second even-numbered year after it is issued;~~

38 ~~as set by the board. However, the date established by the licensing~~  
39 ~~agency under IC 25-1-6-4.~~

40 (b) A funeral director intern license expires two (2) years after it is  
41 issued by the board.

42 SECTION 32. IC 25-15-6-4, AS AMENDED BY P.L.157-2006,  
43 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
44 JULY 1, 2008]: Sec. 4. (a) The board shall reinstate the expired license  
45 of: ~~an individual who:~~

46 (1) ~~was licensed as a funeral director; or embalmer;~~

47 (2) **an embalmer;**

48 (3) **a funeral director intern; or**

49 (4) **a funeral home;**

50 **that applies for reinstatement of the funeral director license or**  
51 **embalmer license within two (2) years or four (4) years not later than**

three (3) years of after the date that the license expired as set by the board;

(3) pays a fee established and meets the requirements for reinstatement under IC 25-1-8-6; and IC 25-1-8-6(c).

(4) meets the continuing education requirements set by the board.

(b) If the license of:

(1) a funeral director;

(2) an embalmer;

(3) a funeral director intern; or

(4) a funeral home;

has been expired for more than three (3) years, the board shall reinstate the license if the holder of the license applies for reinstatement of the license and meets the requirements for reinstatement under IC 25-1-8-6(d).

SECTION 33. IC 25-19-1-2, AS AMENDED BY P.L.145-2006, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) There is created the Indiana state board of health facility administrators composed of ~~fourteen (14)~~ **thirteen (13)** members as follows:

(1) The state health commissioner or the commissioner's designee.

(2) The director of the division of family resources or the director's designee.

(3) The state long term care ombudsman or the state long term care ombudsman's designee.

(4) The chief administrative officer of the Indiana University medical center at Indianapolis or the chief administrative officer's designee.

(5) One (1) member of the medical profession holding an unlimited license to practice medicine in Indiana.

~~(6) One (1) hospital administrator who must hold an executive position in an Indiana hospital.~~

~~(7) (6)~~ Four (4) administrators of licensed proprietary health facilities.

~~(8) (7)~~ Two (2) administrators of licensed nonproprietary health facilities.

~~(9) (8)~~ Two (2) members representing the public at large, who:

(A) are residents of Indiana; and

(B) have never been associated with health facility services or administration in any way other than as a resident or a family member of a resident of a health facility.

(b) Those members of the board other than the representatives of state agencies and institutions shall be appointed by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the position to be filled. The original and all subsequent physician and hospital administrator appointments shall be for terms of four (4) years. All appointments shall be for four (4) year terms, except that in case of a vacancy prior to term completion, the appointment shall be for the remainder of the unexpired term. Any vacancy, either prior to or at term completion, shall be filled by the governor after consultation with the associations



and societies appropriate to the discipline or professions representative of the vacancy. In all cases, the appointees shall serve until their successors are appointed and qualified.

(c) The governor may remove any member of the board other than the representative of a state agency or institution for misconduct, incapacity, incompetence, or neglect of duty after the member has been served with a written statement of charges and has been given an opportunity to be heard. Designated representatives of the state agencies or institutions may be removed by the original appointing authority for any of those causes.

SECTION 34. IC 25-19-1-6, AS AMENDED BY P.L.1-2006, SECTION 439, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) The board shall elect from its membership annually a ~~chairman, vice chairman and secretary~~ **chairperson and vice chairperson** and shall adopt rules to govern its proceedings.

(b) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(c) The Indiana professional licensing agency shall supply necessary personnel to assist the board in the performance of its duties.

~~(b) Eight (8)~~ **(d) Seven (7)** members of the board ~~including three (3) members who are health facility administrators and one (1) member who is an officer of the board;~~ constitute a quorum for consideration of all matters before the board. A majority vote of the quorum is required for action of the board.

SECTION 35. IC 25-19-1-9, AS AMENDED BY P.L.1-2006, SECTION 440, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) Every holder of a health facility administrator's license shall renew it ~~biennially, on or before August 31 of even-numbered years by making an application to the board;~~ **the license on the date established by the licensing agency under IC 25-1-5-4.** The renewals shall be granted as a matter of course, unless the board finds, after due notice and hearing, that the applicant has acted or failed to act in a manner or under circumstances that would constitute grounds for nonrenewal, suspension, or revocation of a license.

(b) A health facility administrator's license expires at midnight on the renewal date specified by the Indiana professional licensing agency. Failure to renew a license on or before the renewal date automatically renders the license invalid.

(c) A person who fails to renew a license before it expires and becomes invalid at midnight of the renewal date shall be reinstated by the board ~~upon meeting if the person applies for reinstatement not later than three (3) years after the expiration of the license and meets the requirements under IC 25-1-8-6;~~ **IC 25-1-8-6(c).**

~~(d) However, The board may reinstate a person who fails to apply~~

**applies to reinstate a license under this section within more than three (3) years after the date the license expires and becomes invalid shall be issued a license by meeting if the person applies to the board for reinstatement and meets the requirements for reinstatement established by the board under IC 25-1-8-6. IC 25-1-8-6(d).**

**(d) (e) The board may require an applicant under subsection (c) subsection (d) to appear before the board to explain the applicant's failure to renew.**

**SECTION 36. IC 25-20-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) The board committee shall issue hearing aid dealer certificates of registration which that expire on June 30 of each even-numbered year. biennially on the date established by the licensing agency under IC 25-1-5-4. To renew a hearing aid dealer certificate of registration, the holder of the certificate must pay a renewal fee set by the board committee on or before June 30 of each even-numbered year. the date established by the licensing agency.**

**(b) If the holder of a certificate does not renew the holder's hearing aid dealer certificate of registration on or before June 30 of an even-numbered year, the date established by the licensing agency, the certificate expires without any action taken by the board.**

**(c) A holder of a hearing aid dealer certificate of registration that expires under this section shall may have the certificate reinstated by the board committee if, not later than three (3) years after the license expires, the holder meets the requirements under IC 25-1-8-6. IC 25-1-8-6(c).**

**(d) A person who applies for reinstatement of a certificate of registration under this section more than three (3) years after the date the registration expires and becomes invalid may apply for reinstatement by meeting the requirements for reinstatement under IC 25-1-8-6(d).**

**SECTION 37. IC 25-20.2-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) An individual who applies to renew a license as a licensed home inspector must:**

- (1) furnish evidence showing successful completion of the continuing education requirements of this chapter; and**
- (2) pay the renewal fee established by the board.**

**(b) If the holder of a license does not renew the license on or before the renewal date specified by the licensing agency, the license expires and becomes invalid without any action by the board.**

**(c) A license may be reinstated by the board not later than (3) years after the expiration of the license if the applicant for reinstatement meets the requirements for reinstatement under IC 25-1-8-6(c).**

**(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).**

**SECTION 38. IC 25-20.5-1-18, AS AMENDED BY P.L.1-2006, SECTION 442, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) A certificate issued by the**

committee expires on a date established by the Indiana professional licensing agency under IC 25-1-5-4 in the next even-numbered year following the year in which the certificate was issued.

(b) An individual may renew a certificate by paying a renewal fee on or before the expiration date of the certificate.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a certificate, the certificate becomes invalid **without any action of the committee.**

**(d) A certificate may be reinstated by the committee not later than three (3) years after its expiration if the applicant for reinstatement meets the requirements for reinstatement under IC 25-1-8-6(c).**

**(e) If a certificate has been expired for more than three (3) years, the certificate may be reinstated by the committee if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).**

SECTION 39. IC 25-21.5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **(a) A certificate of registration expires on July 31 in each even-numbered year, biennially on the date established by the licensing agency under IC 25-1-6-4.**

**(b) An individual may renew a certificate of registration by paying a renewal fee on or before the expiration date established by the licensing agency.**

**(c) If an individual fails to pay a renewal fee on or before the expiration date of a certificate of registration, the certificate of registration becomes invalid without any action of the board.**

**(d) A certificate of registration may be reinstated by the board not later than three (3) years after its expiration if the applicant for reinstatement meets the requirements for reinstatement under IC 25-1-8-6(c).**

**(e) If a certificate of registration has been expired for more than three (3) years, the certificate of registration may be reinstated by the board if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).**

SECTION 40. IC 25-22.5-5-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.5. (a) The board may:

- (1) refuse to issue a license;
- (2) issue an unlimited license; or
- (3) issue a probationary license to an applicant for licensure by examination or endorsement;

if the applicant has had a license revoked under this chapter and is applying for a new license after the expiration of the period prescribed by IC 25-1-9-12.

**(b) Before making a determination under subsection (a), the board may require the applicant to engage in full-scale assessments, formal training programs, supervised practice arrangements, formal testing, or other proof of competence as provided under section 2.7 of this chapter.**

~~(b)~~ **(c)** When issuing a probationary license under this section, the board may require the individual holding the license to perform any of the following acts as a condition for the issuance of a probationary

1 license:

- 2 (1) Submit a regular report to the board concerning matters that
- 3 are the basis of probation.
- 4 (2) Limit the practice of the individual to the areas prescribed by
- 5 the board.
- 6 (3) Continue or renew the individual's professional education.
- 7 (4) Perform or refrain from performing acts, as the board
- 8 considers appropriate to the public interest or the rehabilitation of
- 9 the individual.
- 10 (5) Engage in community restitution or service without
- 11 compensation for a number of hours specified by the board.
- 12 (6) Any combination of these conditions.

13 ~~(e)~~ (d) If the board determines following a hearing that the  
 14 deficiency requiring disciplinary action concerning the individual has  
 15 been remedied, the board shall remove any limitation placed on the  
 16 individual's license under subsection ~~(b)~~: (c).

17 SECTION 41. IC 25-22.5-5-2.7 IS ADDED TO THE INDIANA  
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2008]: Sec. 2.7. (a) The board may issue a  
 20 provisional license to an applicant who:

- 21 (1) has not practiced medicine or has not maintained
- 22 continued competency for at least two (2) years immediately
- 23 preceding the filing of an application for an initial license;
- 24 (2) has applied for reinstatement of a license under
- 25 IC 25-1-8-6 that has been lapsed for at least three (3) years; or
- 26 (3) has submitted a request, petition, motion, or application to
- 27 reactivate an inactive license previously issued by the board.

28 (b) For an applicant to qualify for a provisional license under  
 29 subsection (a), the board must find the following:

- 30 (1) The applicant's practice is deficient in one (1) or more
- 31 areas.
- 32 (2) The nature of the applicant's deficiency is such that it does
- 33 not constitute a violation of the practice act, other than a de
- 34 minimis violation, as determined by the board.
- 35 (3) The nature of the applicant's identified practice deficiency
- 36 is such that it may be monitored until resolved to the
- 37 satisfaction of the board.
- 38 (4) The applicant's practice deficiency did not result in death,
- 39 serious harm, or other serious outcome for a patient or
- 40 patients.
- 41 (5) The applicant's practice deficiency did not represent an
- 42 intentional or willful commission or omission of an act that
- 43 constitutes a violation of IC 25-1-9-4, IC 25-22.5, or the rules
- 44 of the board.
- 45 (6) The applicant's practice deficiency did not involve sexual
- 46 misconduct.

47 (c) As a condition for an applicant to hold a provisional license,  
 48 the board may require full-scale assessments, engagement in  
 49 formal training programs, supervised practice arrangements,  
 50 formal testing, or other proof of competence.

51 (d) An applicant under this section shall develop an

1 individualized practice reentry program subject to the approval of  
2 the board.

3 (e) The duration of a provisional license shall be determined by  
4 the board and reviewed at least annually by the board.

5 (f) When an applicant has demonstrated to the board that the  
6 applicant has satisfactorily met the terms of the individualized  
7 practice reentry program, the applicant shall be released from  
8 terms of the provisional license and is entitled to hold an unlimited  
9 license under IC 25-22.5-3-1.

10 (g) A provisional license is a nonrestricted license, and the  
11 issuance of a provisional license issued under this section may not  
12 be construed as a disciplinary action taken by the board.

13 (h) The board may take disciplinary action against an applicant  
14 who holds a provisional license if, after a hearing, the board finds  
15 any of the following:

16 (1) Failure to comply with any term of the provisional license.

17 (2) Receipt of evidence from an appointed supervisor or  
18 workplace monitor that the holder of the provisional license  
19 has failed to make satisfactory progress or successfully  
20 complete the requirements of the provisional license.

21 (3) Receipt of evidence from an appointed supervisor or  
22 workplace monitor that the holder of the provisional license  
23 has failed to incorporate learned knowledge and skills into the  
24 holder's practice or has continued to demonstrate the same  
25 practice deficiency that led to the issuance of the provisional  
26 license.

27 (4) A violation of IC 25-1-9.

28 (i) The holder of a provisional license may petition the board for  
29 modification, withdrawal, or retirement of the provisional license.

30 SECTION 42. IC 25-22.5-7-1 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) A license issued  
32 under this article expires ~~on June 30 of each odd-numbered year.~~  
33 ~~Before June 30 of an odd-numbered year, biennially on the date~~  
34 ~~established by the licensing agency under IC 25-1-5-4. On or before~~  
35 ~~the date established by the licensing agency,~~ an applicant for renewal  
36 shall pay the biennial renewal fee set by the board under  
37 ~~IC 25-22.5-2-7. IC 25-1-8-2.~~

38 (b) If the holder of a license does not renew the license ~~by June 30~~  
39 ~~of each odd-numbered year, on or before the date established by the~~  
40 ~~licensing agency,~~ the license expires and becomes invalid without any  
41 action taken by the board.

42 (c) A license that becomes invalid under ~~this~~ subsection (b) may be  
43 reinstated by the board ~~up to~~ **not later than** three (3) years after the  
44 invalidation if the holder of the invalid license ~~pays:~~ **meets the**  
45 **requirements for reinstatement under IC 25-1-8-6(c).**

46 ~~(1) the penalty fee set by the board under IC 25-22.5-2-7; and~~

47 ~~(2) the renewal fee for the biennium.~~

48 ~~(e)~~ (d) If a license that becomes invalid under this section is not  
49 reinstated by the board ~~within~~ **not later than** three (3) years ~~of~~ **after** its  
50 invalidation, the holder of the invalid license ~~may be required by the~~  
51 ~~board to take an examination for competence before the board will~~

reinstatement the holder's license. must meet the requirements for reinstatement established by the board under IC 25-1-8-6(d).

**(e) A licensee whose license is reinstated under subsection (d) may be issued a provisional license under IC 25-22.5-5-2.7.**

~~(d)~~ **(f)** The board may adopt rules under IC 25-22.5-2-7 establishing requirements for the reinstatement of a lapsed license.

SECTION 43. IC 25-23-1-19.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19.4. (a) As used in this section, "practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include the following:

(1) A veterinarian.

(2) An advanced practice nurse.

**(3) A physician assistant.**

(b) An advanced practice nurse shall operate in collaboration with a licensed practitioner as evidenced by a practice agreement, or by privileges granted by the governing board of a hospital licensed under IC 16-21 with the advice of the medical staff of the hospital that sets forth the manner in which an advanced practice nurse and a licensed practitioner will cooperate, coordinate, and consult with each other in the provision of health care to their patients.

SECTION 44. IC 25-23.7-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. **(a)** An individual who applies to renew a license as an installer of a manufactured home must:

(1) furnish evidence showing successful completion of the continuing education requirements of this chapter; and

(2) pay the renewal fee established by the board.

**(b) If the holder of a license does not renew the license before the date established by the licensing agency, the certificate expires without any action taken by the board.**

**(c) If a license has been expired for not more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(c).**

**(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).**

SECTION 45. IC 25-24-1-14, AS AMENDED BY P.L.1-2006, SECTION 459, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) In each even-numbered year, the Indiana professional licensing agency shall issue a sixty (60) day notice of expiration and a license renewal application in accordance with ~~IC 25-1-5-4~~ IC 25-1-2-6 to each optometrist licensed in Indiana. The application shall be mailed to the last known address of the optometrist. ~~and shall contain spaces for the insertion of the licensee's name, address, date, and number of the license; and such other information and questions as the board considers necessary. The licensee shall complete, sign, and return the application for license renewal, together with a fee set by the board under section 1 of this chapter, before April 1 of each even-numbered year.~~

(b) Upon the receipt of the application and fee, and upon the same being properly verified, the board shall issue a renewal of license.

(e) ~~(b)~~ The payment of the renewal fee must be made on or before April 1 of each even-numbered year. **the date established by the licensing agency under IC 25-1-5-4.** The applicant's license expires and becomes invalid if the applicant has not paid the renewal fee by April 1 of each even-numbered year. **the date established by the licensing agency.**

(c) The license shall be reinstated by the board ~~up to~~ **not later than** three (3) years after its expiration if the applicant for reinstatement meets the requirements under ~~IC 25-1-8-6.~~ **IC 25-1-8-6(c).**

(d) Reinstatement of an expired license after the expiration of the three (3) year period provided in subsection (c) is dependent upon ~~reexamination of the applicant by the board.~~ **the applicant satisfying the requirements for reinstatement under IC 25-1-8-6(d).**

(e) The board may classify a license as inactive if the board receives written notification from a licensee stating that the licensee will not maintain an office or practice optometry in Indiana. The renewal fee for an inactive license is one-half (1/2) the license renewal fee set by the board under section 1 of this chapter.

(f) The holder of an inactive license is not required to fulfill continuing education requirements set by the board. The board may issue a license to the holder of an inactive license if the applicant:

- (1) pays the renewal fee set by the board under section 1 of this chapter;
- (2) pays the reinstatement fee set by the board under section 1 of this chapter; and
- (3) subject to IC 25-1-4-3, attests that the applicant obtained the continuing education required by the board under section 1 of this chapter for each year, or portion of a year during which the applicant's license has been classified as inactive.

SECTION 46. IC 25-26-13-14, AS AMENDED BY P.L.98-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) A pharmacist's license expires ~~July 1 of each even-numbered year,~~ **biennially on the date established by the licensing agency under IC 25-1-5-4,** unless renewed before that date.

(b) If an application for renewal is not filed and the required fee paid before July 1 of each even-numbered year, **the established biennial renewal date,** the license expires and becomes invalid ~~and may be reinstated only by meeting the requirements under IC 25-1-8-6.~~ **without any action taken by the board.**

(c) Subject to IC 25-1-4-3, a statement attesting that the pharmacist has met the continuing education requirements shall be submitted with the application for license renewal.

(d) If a pharmacist surrenders the pharmacist's license to practice pharmacy in Indiana, the board may subsequently consider reinstatement of the pharmacist's license upon written request of the pharmacist. The board may impose any conditions it considers appropriate to the surrender or to the reinstatement of a surrendered license. The practitioner may not voluntarily surrender the practitioner's license to the board without the written consent of the

board if any disciplinary proceedings are pending against the practitioner under this chapter or IC 25-1-9.

(e) If a person fails to renew a license that expires under subsection (a) ~~within~~ **license has been expired for not more than** three (3) years, after the date the license expires, the board may reinstate the license only if the person

(1) meets the requirements under ~~IC 25-1-8-6;~~ **IC 25-1-8-6(c).**

and

(2) passes an examination concerning state and federal laws that the board considers relevant to the practice of pharmacy.

**(f) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).**

~~(g)~~ (g) The board may require a person who applies for a license under subsection (e) to appear before the board and explain the reason the person failed to renew the person's license.

~~(g) If a person fails to renew a license that expires under subsection (a) within seven (7) years after the date the license expires, the person must apply for a new license.~~

SECTION 47. IC 25-26-13-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 22. (a) A pharmacy permit shall expire ~~on December 31 of the odd-numbered year next succeeding the date of issuance;~~ **biennially on a date established by the agency under IC 25-1-5-4.**

(b) If an application for renewal has not been filed and the required fee paid by January 1 following the date of expiration, ~~the a pharmacy permit shall lapse and lapses for not more than three (3) years, it may be reinstated only by paying the lapsed permit fee and the appropriate permit fee;~~ **by the board if the holder of the permit meets the requirements established under IC 25-1-8-6(c).**

**(c) If a pharmacy permit has been expired for more than three (3) years, the permit may be reinstated by the board if the holder of the permit meets the requirements for reinstatement under IC 25-1-8-6(d).**

~~(e)~~ (d) No pharmacy may be open for business after ~~December 31 of the renewal year, until the renewal is perfected;~~ **the established biennial renewal date until the permit is reinstated.**

SECTION 48. IC 25-26-17-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4.5. A nonresident pharmacy that dispenses more than twenty-five percent (25%) of the pharmacy's total prescription volume as a result of an original prescription order received or solicited through the Internet:

(1) must be accredited:

(A) through the National Association of Boards of Pharmacy's Verified Internet Pharmacy Practice Sites (VIPPS); or

(B) under a program that is substantially similar to the program under clause (A) and that has been approved by the board; and



**(2) shall obtain and display a seal of approval for:**

**(A) the National Association of Boards of Pharmacy; or**

**(B) the substantially similar program described in subdivision (1)(B);**

**anywhere that the nonresident pharmacy advertises.**

SECTION 49. IC 25-26-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. The board may deny, revoke, or suspend the registration of a nonresident pharmacy for:

(1) failing to comply with sections 3, 4, **4.5**, and 6 of this chapter;

or

(2) conduct that causes serious bodily or psychological harm to a customer who lives in Indiana or purchased drugs from the nonresident pharmacy while in Indiana, if the board reports the matter to the pharmacy regulatory or licensing agency in the state in which the nonresident pharmacy is located.

SECTION 50. IC 25-26-21-2, AS ADDED BY P.L.122-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. **(a)** As used in this chapter, "home medical equipment" means ~~technologically sophisticated medical devices that may be used in a residence; including the following:~~

~~(1) Oxygen and oxygen delivery systems;~~

~~(2) Ventilators;~~

~~(3) Respiratory disease management devices;~~

~~(4) Continuous positive airway pressure (CPAP) devices;~~

~~(5) Electronic and computerized wheelchairs and seating systems;~~

~~(6) Apnea monitors;~~

~~(7) Transcutaneous electrical nerve stimulator (TENS) units;~~

~~(8) Low air loss cutaneous pressure management devices;~~

~~(9) Sequential compression devices;~~

~~(10) Feeding pumps;~~

~~(11) Home phototherapy devices;~~

~~(12) Infusion delivery devices;~~

~~(13) Distribution of medical gases to end users for human consumption;~~

~~(14) Hospital beds;~~

~~(15) Nebulizers;~~

~~(16) Other similar equipment determined by the board in rules adopted under section 7 of this chapter: **equipment that:**~~

~~(1) is prescribed by a health care provider;~~

~~(2) sustains, restores, or supplants a vital bodily function; and~~

~~(3) is technologically sophisticated and requires individualized adjustment or regular maintenance.~~

**(b) The term does not include the following:**

**(1) Walkers.**

**(2) Ambulatory aids.**

**(3) Commodes.**

**(4) Any other home medical equipment determined by the board in rules adopted under section 7 of this chapter.**

SECTION 51. IC 25-26-21-3, AS ADDED BY P.L.122-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2008]: Sec. 3. As used in this chapter, "home medical equipment services" means the:

- (1) sale, **rental, delivery, or installation; and**
- ~~(2) rental;~~
- ~~(3) delivery;~~
- ~~(4) installation;~~
- (5) (2) installation, maintenance, or replacement; or and instruction in the use;**
- ~~(6) instruction in the use;~~

of medical equipment used by an individual that allows the individual to reside in a noninstitutional environment.

SECTION 52. IC 25-26-21-7, AS ADDED BY P.L.122-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The board may adopt rules under IC 4-22-2 to do the following:

- (1) Specify home medical equipment ~~in addition to the home medical equipment set forth in section 2 of this chapter~~ that is **or is not** to be regulated under this chapter.
- (2) Set standards for the licensure of providers.
- (3) Govern the safety and quality of home medical equipment services that are provided to customers.
- (4) Specify the amount of insurance coverage required under section 6(b)(3) of this chapter.
- (5) Set reasonable fees for the application, issuance, and renewal of a license under this chapter and set other fees permitted under IC 25-1-8.

(b) The board may consult with individuals engaged in the home medical equipment services business to advise the board on the formulation of rules under subsection (a). The individuals may not be compensated or reimbursed for mileage by the board.

SECTION 53. IC 25-26-21-8, AS AMENDED BY P.L.98-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) ~~After June 30, 2006,~~ A provider must be licensed by the board before the provider may provide home medical equipment services. If a provider provides home medical equipment services from more than one (1) location in Indiana, the provider must obtain a license under this chapter for each location.

(b) An applicant shall submit the application to the board on a form adopted by the board. The nonrefundable application fee set by the board must be submitted with the application. The fee must be deposited in the state general fund.

- (c) If the board determines that the applicant:
  - (1) meets the standards set forth by the board; and
  - (2) has satisfied the requirements under this chapter and the requirements established by the board by rule;

the board shall notify the applicant in writing that the license is being issued to the applicant. The license is effective on the applicant's receipt of the written notification.

(d) A license issued under this chapter ~~is effective for not more than two (2) years; beginning on a date determined by the board; expires biennially on a date established by the agency under IC 25-1-5-4.~~

1 An entity that is licensed under this chapter shall display the license or  
2 a copy of the license on the licensed premises.

3 ~~(e) The board may renew a license every two (2) years.~~

4 **(e) A license lapses without any action by the board if an**  
5 **application for renewal has not been filed and the required fee has**  
6 **not been paid by the established biennial renewal date.**

7 **(f) If a license under this chapter has been expired for not more**  
8 **than three (3) years, the license may be reinstated by the board if**  
9 **the holder of the license meets the requirements of IC 25-1-8-6(c).**

10 **(g) If a license under this chapter has been expired for more**  
11 **than three (3) years, the license may be reinstated by the board if**  
12 **the holder of the license meets the requirements for reinstatement**  
13 **under IC 25-1-8-6(d).**

14 ~~(h)~~ **(h)** The board may adopt rules that permit an out-of-state  
15 provider to obtain a license on the basis of reciprocity if:

- 16 (1) the out-of-state provider possesses a valid license granted by
- 17 another state;
- 18 (2) the legal standards for licensure in the other state are
- 19 comparable to the standards under this chapter; and
- 20 (3) the other state extends reciprocity to providers licensed in
- 21 Indiana.

22 However, if the requirements for licensure under this chapter are more  
23 restrictive than the standards of the other state, the out-of-state provider  
24 must comply with the additional requirements of this chapter to obtain  
25 a reciprocal license under this chapter.

26 SECTION 54. IC 25-27.5-6-8 IS ADDED TO THE INDIANA  
27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2008]: **Sec. 8. (a) This section applies to a**  
29 **physician assistant:**

- 30 **(1) licensed in Indiana or licensed or authorized to practice in**
- 31 **any other state or territory of the United States; or**
- 32 **(2) credentialed as a physician assistant by a federal**
- 33 **employer.**

34 **(b) As used in this section, "emergency" means an event or a**  
35 **condition that is an emergency, a disaster, or a public health**  
36 **emergency under IC 10-14.**

37 **(c) A physician assistant who responds to a need for medical**  
38 **care created by an emergency may render care that the physician**  
39 **assistant is able to provide without the supervision required under**  
40 **this chapter, but with such supervision as is available.**

41 **(d) A physician who supervises a physician assistant providing**  
42 **medical care in response to an emergency is not required to meet**  
43 **the requirements under this chapter for a supervising physician.**

44 SECTION 55. IC 25-28.5-1-22, AS AMENDED BY P.L.194-2005,  
45 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
46 JULY 1, 2008]: **Sec. 22. (a) Every license or certificate of registration**  
47 **issued under this chapter expires on a date established by the licensing**  
48 **agency under IC 25-1-6-4 and shall be renewed biennially thereafter**  
49 **upon payment of the required renewal fees.**

50 **(b) Applications for renewal shall be filed with the commission in**  
51 **the form and manner provided by the commission. The application**

shall be accompanied by the required renewal fee. The commission, upon the receipt of the application for renewal and the required renewal fee, shall issue to the renewal applicant a license or certificate of registration in the category said applicant has previously held. Unless a license is renewed, a license issued by the commission expires on the date specified by the licensing agency under IC 25-1-6-4.

(c) A license or certificate of registration lapses without any action by the commission if an application for renewal has not been filed and the required fee has not been paid by the established biennial renewal date.

(d) If a license or certificate of registration has been expired for not more than three (3) years, the license or certificate of registration may be reinstated by the commission if the holder of the license or certificate of registration meets the requirements of IC 25-1-8-6(c).

(e) If a license or certificate of registration has been expired for more than three (3) years, the license or certificate of registration may be reinstated by the commission if the holder of the license or certificate of registration meets the requirements for reinstatement under IC 25-1-8-6(d).

SECTION 56. IC 25-29-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The failure on the part of a podiatrist to renew a license as required does not deprive the individual of the right of renewal until of the individual's license. has remained invalid for four (4) consecutive years.

(b) The board may issue a renewed reinstate a license to a podiatrist who has not renewed the individual's license within not later than four (4) years after the expiration if the individual

(1) passes an examination established by the board;

(2) pays a fee; and

(3) meets other conditions the board may establish.

meets the requirements under IC 25-1-8-6(c).

(c) If a license has been expired for more than four (4) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

SECTION 57. IC 25-30-1-16, AS AMENDED BY P.L.185-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) Unless a license is renewed, a license issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires every four (4) years after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) If a license has been expired for not more than three (3) years, the license may be reinstated not later than thirty (30) days after the expiration of the license if the applicant does the following:

(1) Files an application for renewal with the board;

(2) Pays the renewal fee and restoration fee established under

~~IC 25-1-8-6.~~  
by the board if the holder of the license meets the requirements under IC 25-1-8-6(c).

**(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).**

SECTION 58. IC 25-30-1.3-17, AS ADDED BY P.L.185-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) Unless a license is renewed, a license issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires every four (4) years after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

**(c) If a license has been expired for not more than three (3) years, the license may be reinstated within three (3) years after the expiration of the license if the applicant does the following:**

**(1) Files an application for renewal with the board;**

**(2) Pays the fees established under IC 25-1-8-6.**

**holder of the license meets the requirements under IC 25-1-8-6(c).**

**(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).**

SECTION 59. IC 25-31-1-17, AS AMENDED BY P.L.194-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) Unless a certificate is renewed, a certificate issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a certificate does not renew the ~~license~~ **certificate** by the date specified by the licensing agency, the certificate expires and becomes invalid without the board taking any action.

(c) The failure on the part of a registrant to renew a certificate does not deprive the registrant of the right of renewal. ~~until the registrant's certificate has remained invalid during two (2) biennial renewal periods if the registrant pays the appropriate delinquent and renewal fees. After two (2) successive biennial renewal periods have elapsed renewal shall be denied.~~

**(d) If a certificate has been expired for not more than three (3) years, the certificate may be reinstated by the board if the holder of the certificate meets the requirements for reinstatement under IC 25-1-8-6(c).**

**(e) If a certificate has been expired for more than three (3)**

years, the certificate may be reinstated by the board if the holder of the certificate meets the requirements for reinstatement under IC 25-1-8-6(d).

SECTION 60. IC 25-32-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) The board shall prescribe and provide an application form for the use of all applicants for registration. The applicant shall deposit a fee in an amount set by the board at the time of making application for registration.

(b) All certificates of registration issued by the board expire ~~in each odd-numbered year on July 31~~. **biennially on the date established by the licensing agency under IC 25-1-5-4.** A renewal fee specified by the board by rule must be paid biennially on or before ~~July 31 of each odd-numbered year~~. **the date established by the licensing agency.** If the renewal fee is not paid on or before ~~July 31 of each odd-numbered year~~, **the date established by the licensing agency**, the certificate of registration expires and becomes invalid without further action by the board. A certificate of registration that ~~expires and becomes invalid under this subsection may be reinstated by the board up to three (3) years after the invalidation has been expired for not more than three (3) years may be reinstated by the board~~ if the holder of the invalid certificate ~~pays:~~ **meets the requirements under IC 25-1-8-6(c).**

(1) ~~the penalty fee set by the board; and~~

(2) ~~the renewal fee for the biennium;~~

(c) ~~A registration expired in excess of three (3) years is not eligible for renewal. If more than three (3) years have elapsed since the expiration of the registration, an environmental health specialist must:~~

(1) ~~submit a new application;~~

(2) ~~submit all appropriate application fees; and~~

(3) ~~meet all requirements of this chapter.~~

**(c) If a certificate of registration has been expired for more than three (3) years, the certificate of registration may be reinstated by the board if the holder of the certificate of registration meets the requirements for reinstatement under IC 25-1-8-6(d).**

SECTION 61. IC 25-33-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) A license issued under this article expires ~~September 1 of each even-numbered year~~. **on the date established by the licensing agency under IC 25-1-5-4.** A renewal fee established by the board under section 3 of this chapter must be paid by an applicant for renewal before the license expires.

(b) If the holder of an expired license fails to renew the license on or before the renewal date, the license expires and becomes invalid without any further action by the board.

(c) A license that expires and becomes invalid under this section may be renewed by the board ~~up to not more than three (3) years after the date of the expiration of the license if the applicant meets the requirements under IC 25-1-8-6.~~ **IC 25-1-8-6(c).**

(d) If a license has been invalidated under this section for more than three (3) years, the holder of the license may ~~receive a new license from the board only if the holder:~~

(1) ~~meets the requirements under IC 25-1-8-6; and~~

(2) ~~passes an examination concerning state and federal laws that~~

1           the board considers relevant to the practice of psychology. have  
 2           the license reinstated by meeting the requirements for  
 3           reinstatement under IC 25-1-8-6(d).

4           (e) The board may adopt rules establishing requirements for  
 5           reinstatement of a license invalidated for more than three (3) years  
 6           under this section.

7           (f) An initial license issued under this article is valid for the  
 8           remainder of the renewal period in effect on the date of issuance.

9           (g) The board may require a person who applies for a license under  
 10          subsection (d) to appear before the board and explain the reason the  
 11          person failed to renew the person's license.

12          SECTION 62. IC 25-34.1-3-3.1, AS AMENDED BY P.L.157-2006,  
 13          SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14          JULY 1, 2008]: Sec. 3.1. (a) To obtain a salesperson license, an  
 15          individual must:

16           (1) be at least eighteen (18) years of age before applying for a  
 17           license and must not have a conviction for:

18                   (A) an act that would constitute a ground for disciplinary  
 19                   sanction under IC 25-1-11;

20                   (B) a crime that has a direct bearing on the individual's ability  
 21                   to practice competently; or

22                   (C) a crime that indicates the individual has the propensity to  
 23                   endanger the public;

24           (2) have successfully completed courses in the principles,  
 25           practices, and law of real estate, totaling eight (8) semester credit  
 26           hours, or their equivalent, as a student at an accredited college or  
 27           university or have successfully completed an approved  
 28           salesperson course as provided in IC 25-34.1-5-5(a);

29           (3) apply for a license by submitting the fee prescribed by the  
 30           commission and an application containing the name, address, and  
 31           age of the applicant, the name under which the applicant intends  
 32           to conduct business, the principal broker's address where the  
 33           business is to be conducted, proof of compliance with subdivision  
 34           (2), and any other information the commission requires;

35           (4) pass a written examination prepared and administered by the  
 36           commission or its duly appointed agent; and

37           (5) submit not more than one (1) year after passing the written  
 38           examination under subdivision (4) a sworn certification of a  
 39           principal broker that the principal broker intends to associate with  
 40           the applicant and maintain that association until notice of  
 41           termination of the association is given to the commission.

42          (b) Upon the applicant's compliance with the requirements of  
 43          subsection (a), the commission shall:

44           (1) issue a wall certificate in the name of the salesperson to the  
 45           principal broker who certified the applicant's association with the  
 46           principal broker; and

47           (2) issue to the salesperson a pocket identification card which  
 48           certifies that the salesperson is licensed and indicates the  
 49           expiration date of the license and the name of the principal  
 50           broker.

51          (c) Notice of passing the commission examination serves as a

temporary permit to act as a salesperson as soon as the applicant sends, by registered or certified mail with return receipt requested, the certification as prescribed in subsection (a)(5). The temporary permit expires the earliest of the following:

(1) The date the license is issued;

(2) The date the applicant's association with the certifying principal broker is terminated;

The temporary permit may not be renewed, extended, reissued, or otherwise effective for any association other than with the initial certifying principal broker.

~~(d)~~ (c) A salesperson shall:

(1) act under the auspices of the principal broker responsible for that salesperson's conduct under this article;

(2) be associated with only one (1) principal broker;

(3) maintain evidence of licensure in the office, branch office, or sales outlet of the principal broker;

(4) advertise only in the name of the principal broker, with the principal broker's name in letters of advertising larger than that of the salesperson's name; and

(5) not maintain any real estate office apart from that office provided by the principal broker.

~~(e)~~ (d) Upon termination of a salesperson's association with a principal broker, the salesperson's license shall be returned to the commission within five (5) business days. The commission shall reissue the license to any principal broker whose certification, as prescribed in subsection (a)(5), is filed with the commission, and the commission shall issue a new identification card to the salesperson reflecting that change.

~~(f)~~ (e) Unless a license is renewed, a salesperson license expires on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action.

**(f) If a salesperson the holder of a license under this section fails to reinstate a renew the license on or before the date specified by the licensing agency, the license may be reinstated by the commission within eighteen (18) months after expiration a if the holder of the license, may not be issued unless that salesperson again complies with the requirements of subsection (a)(3); (a)(4); and (a)(5); not later than three (3) years after the expiration of the license, meets the requirements of IC 25-1-8-6(c).**

**(g) If a license under this section has been expired for more than three (3) years, the license may be reinstated by the commission if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).**

~~(g)~~ (h) A salesperson license may be issued to an individual who is not yet associated with a principal broker but who otherwise meets the



requirements of subsection (a). A license issued under this subsection shall be held by the commission in an unassigned status until the date the individual submits the certification of a principal broker required by subsection (a)(5). If the individual does not submit the application for licensure within one (1) year after passing the commission examination, the commission shall void the application and may not issue a license to that applicant unless the applicant again complies with the requirements of subsection (a)(4) through (a)(5).

~~(h)~~ (i) If an individual holding a salesperson license is not associated with a principal broker for two (2) successive renewal periods, the commission shall notify the individual in writing that the individual's license will become void if the individual does not associate with a principal broker within thirty (30) days from the date the notification is mailed. A void license may not be renewed.

SECTION 63. IC 25-34.1-3-4.1, AS AMENDED BY P.L.157-2006, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.1. (a) To obtain a broker license, an individual must:

(1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;

(B) a crime that has a direct bearing on the individual's ability to practice competently; or

(C) a crime that indicates the individual has the propensity to endanger the public;

(2) have satisfied section 3.1(a)(2) of this chapter and have had continuous active experience for one (1) year immediately preceding the application as a licensed salesperson in Indiana. However, this one (1) year experience requirement may be waived by the commission upon a finding of equivalent experience;

(3) have successfully completed an approved broker course of study as prescribed in IC 25-34.1-5-5(b);

(4) apply for a license by submitting the application fee prescribed by the commission and an application specifying the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the address where the business is to be conducted, proof of compliance with subdivisions (2) and (3), and any other information the commission requires;

(5) pass a written examination prepared and administered by the commission or its duly appointed agent; and

(6) within one (1) year after passing the commission examination, submit the license fee established by the commission under IC 25-1-8-2. If an individual applicant fails to file a timely license fee, the commission shall void the application and may not issue a license to that applicant unless that applicant again complies with the requirements of subdivisions (4) and (5) and this subdivision.

(b) To obtain a broker license, a partnership must:

- 1 (1) have as partners only individuals who are licensed brokers;
- 2 (2) have at least one (1) partner who:
  - 3 (A) is a resident of Indiana; or
  - 4 (B) is a principal broker under IC 25-34.1-4-3(b);
- 5 (3) cause each employee of the partnership who acts as a broker
- 6 or salesperson to be licensed; and
- 7 (4) submit the license fee established by the commission under
- 8 IC 25-1-8-2 and an application setting forth the name and
- 9 residence address of each partner and the information prescribed
- 10 in subsection (a)(4).
- 11 (c) To obtain a broker license, a corporation must:
  - 12 (1) have a licensed broker:
    - 13 (A) residing in Indiana who is either an officer of the
    - 14 corporation or, if no officer resides in Indiana, the highest
    - 15 ranking corporate employee in Indiana with authority to bind
    - 16 the corporation in real estate transactions; or
    - 17 (B) who is a principal broker under IC 25-34.1-4-3(b);
  - 18 (2) cause each employee of the corporation who acts as a broker
  - 19 or salesperson to be licensed; and
  - 20 (3) submit the license fee established by the commission under
  - 21 IC 25-1-8-2, an application setting forth the name and residence
  - 22 address of each officer and the information prescribed in
  - 23 subsection (a)(4), a copy of the certificate of incorporation, and a
  - 24 certificate of good standing of the corporation issued by the
  - 25 secretary of state.
- 26 (d) To obtain a broker license, a limited liability company must:
  - 27 (1) if a member-managed limited liability company:
    - 28 (A) have as members only individuals who are licensed
    - 29 brokers; and
    - 30 (B) have at least one (1) member who is:
      - 31 (i) a resident of Indiana; or
      - 32 (ii) a principal broker under IC 25-34.1-4-3(b);
  - 33 (2) if a manager-managed limited liability company, have a
  - 34 licensed broker:
    - 35 (A) residing in Indiana who is either a manager of the
    - 36 company or, if no manager resides in Indiana, the highest
    - 37 ranking company officer or employee in Indiana with authority
    - 38 to bind the company in real estate transactions; or
    - 39 (B) who is a principal broker under IC 25-34.1-4-3(b);
  - 40 (3) cause each employee of the limited liability company who acts
  - 41 as a broker or salesperson to be licensed; and
  - 42 (4) submit the license fee established by the commission under
  - 43 IC 25-1-8-2 and an application setting forth the information
  - 44 prescribed in subsection (a)(4), together with:
    - 45 (A) if a member-managed company, the name and residence
    - 46 address of each member; or
    - 47 (B) if a manager-managed company, the name and residence
    - 48 address of each manager, or of each officer if the company has
    - 49 officers.
- 50 (e) Licenses granted to partnerships, corporations, and limited
- 51 liability companies are issued, expire, are renewed, and are effective on

the same terms as licenses granted to individual brokers, except as provided in subsection (h), and except that expiration or revocation of the license of:

- (1) any partner in a partnership or all individuals in a corporation satisfying subsection (c)(1); or
- (2) a member in a member-managed limited liability company or all individuals in a manager-managed limited liability company satisfying subsection (d)(2);

terminates the license of that partnership, corporation, or limited liability company.

(f) Upon the applicant's compliance with the requirements of subsection (a), (b), or (c), the commission shall issue the applicant a broker license and an identification card which certifies the issuance of the license and indicates the expiration date of the license. The license shall be displayed at the broker's place of business.

~~(g) Notice of passing the commission examination serves as a temporary permit for an individual applicant to act as a broker as soon as the applicant sends, by registered or certified mail with return receipt requested, a timely license fee as prescribed in subsection (a)(6). The temporary permit expires the earlier of one (1) year after the date of the notice of passing the examination or the date a license is issued.~~

~~(h)~~ (g) Unless the license is renewed, a broker license expires, for individuals, on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the commission under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action.

**(h) If a broker the holder of a license under this section fails to reinstate a renew the license on or before the date specified by the licensing agency, the license within eighteen (18) months may be reinstated by the commission after expiration a if the holder of the license, may not be issued unless the broker again complies with the requirements of subsection (a)(4), (a)(5), and (a)(6): not later than three (3) years after the expiration of the license, meets the requirements of IC 25-1-8-6(c).**

**(i) If a license under this section has been expired for more than three (3) years, the license may be reinstated by the commission if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).**

~~(j)~~ (j) A partnership, corporation, or limited liability company may not be a broker-salesperson except as authorized in IC 23-1.5. An individual broker who associates as a broker-salesperson with a principal broker shall immediately notify the commission of the name and business address of the principal broker and of any changes of principal broker that may occur. The commission shall then change the address of the broker-salesperson on its records to that of the principal broker.

1       SECTION 64. IC 25-35.6-3-6 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) Licenses issued  
3       under this article expire, if not renewed, ~~before January 1 of each~~  
4       ~~even-numbered year; on the date established by the licensing agency~~  
5       ~~under IC 25-1-5-4.~~

6       (b) Every person licensed under this article shall pay a fee for  
7       renewal of the person's license ~~before January 1 of each~~  
8       ~~even-numbered year. The board may reinstate a lapsed license upon the~~  
9       ~~person's meeting the requirements under IC 25-1-8-6. No person who~~  
10      ~~requests reinstatement of the person's license; whose license has~~  
11      ~~expired; shall be required to submit to examination as a condition to~~  
12      ~~reinstatement; if the application for reinstatement is made within three~~  
13      ~~(3) years from the date of the expiration; the date established by the~~  
14      ~~licensing agency.~~

15      (c) ~~If the holder of a license fails to renew the license on or~~  
16      ~~before the date specified by the licensing agency, the license may be~~  
17      ~~reinstated by the board if the holder of the license, not later than~~  
18      ~~three (3) years after the expiration of the license, meets the~~  
19      ~~requirements of IC 25-1-8-6(c).~~

20      (d) ~~If a license has been expired for more than three (3) years,~~  
21      ~~the license may be reinstated by the board if the holder meets the~~  
22      ~~requirements for reinstatement under IC 25-1-8-6(d).~~

23      ~~(c)~~ (e) A suspended license is subject to expiration and may be  
24      renewed or reinstated as provided in this section, but a renewal or  
25      reinstatement shall not entitle the licensee, while the license remains  
26      suspended and until it is reinstated, to engage in the licensed activity,  
27      or in any other conduct or activity in violation of the order or judgment  
28      by which the license was suspended.

29      (d) ~~Any person who fails to renew the person's license within three~~  
30      ~~(3) years after the date of its expiration may not renew it; and it may not~~  
31      ~~be subsequently restored; reissued; or reinstated; but the person may~~  
32      ~~apply for and obtain a new license if the person meets the requirements~~  
33      ~~of this article.~~

34      SECTION 65. IC 35-48-7-2.9 IS ADDED TO THE INDIANA  
35      CODE AS A NEW SECTION TO READ AS FOLLOWS  
36      [EFFECTIVE JANUARY 1, 2009]: Sec. 2.9. (a) **As used in this**  
37      **chapter, "dispense" has the meaning set forth in IC 35-48-1-12.**

38      (b) **The term does not apply to the following:**

39          (1) **A drug administered directly to a patient.**

40          (2) **A drug dispensed by a practitioner, if the quantity**  
41          **dispensed is not more than a seventy-two (72) hour supply of**  
42          **a controlled substance listed in schedule II, III, IV, or V as set**  
43          **forth in IC 35-48-3-9.**

44      SECTION 66. IC 35-48-7-3 IS REPEALED [EFFECTIVE  
45      JANUARY 1, 2009].

46      SECTION 67. THE FOLLOWING ARE REPEALED [EFFECTIVE  
47      JULY 1, 2008]: IC 25-7-6-13; IC 25-7-6-15; IC 25-8-2-3.5;  
48      IC 25-8-2-17; IC 25-8-4-20; IC 25-8-4-27; IC 25-8-4-28;  
49      IC 25-14.5-6-5; IC 25-15-6-6; IC 25-21.5-8-5; IC 25-26-13-8.

    (Reference is to SB 302 as reprinted February 27, 2008.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 302**

**S**igned by:

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Senator Mishler  
Chairperson

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Representative Welch

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Senator Simpson

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Representative Frizzell

**Senate Conferees**

**House Conferees**